

# Naples City Council

## February 28, 2013

### Minutes

The regularly scheduled meeting of the Naples City Council was held February 28, 2013, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

#### ***DATE, TIME & PLACE OF MEETING***

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen, and Kenneth Reynolds.

#### ***COUNCIL MEMBERS ATTENDING***

Others attending were Rob Heywood, Dale Harrison, Bret Stringham, Jim Harper, Ryan Cook, Mark Watkins, Chris Hoem, Connie Patton, and Craig Blunt.

#### ***OTHERS ATTENDING***

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Gordon Kitchen offered the invocation.

#### ***OPENING CEREMONY***

Mayor Baker wanted to add Councilman Olsen under 'Other Matters' and asked for approval of the agenda. Dennis Long **moved** to accept the agenda with that addition. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

#### ***AGENDA APPROVED***

Mayor Baker asked for approval of the minutes of February 14, 2013. Dan Olsen **moved** to approve the minutes. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

#### ***MINUTES APPROVED***

Mayor Baker asked if anyone had anything to discuss or follow up on from the previous meeting. Councilman Hall said he would like to see a discussion regarding the pole at the fire station on the next agenda. Mayor Baker said he does have that scheduled for the next meeting. Nothing else was brought forward.

#### ***FOLLOW UP ITEMS FROM PREVIOUS MEETING***

Connie Patton presented the bills in the amount of \$28,764.73 and asked for approval to pay them. Dan Olsen **moved** to approve the expenditure for the bills. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

#### ***APPROVAL OF THE BILLS***

|                  |     |
|------------------|-----|
| Robert Hall      | Aye |
| Dan Olsen        | Aye |
| Dennis Long      | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen   | Aye |

A business license application was received from **Basin Vending** located at 1834 S 2050 E. Craig said this would be a home occupation business. Craig reported that the owners of the business have additional garage space where they store their supplies. Councilman Kitchen questioned if the business owners have customers coming and going from their home or if they just use part of their home as a storage area for their business. Craig said that was correct, they do not have people coming to their home as part of their business. Dennis Long **moved** to approve the business license. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

## ***BUSINESS LICENSE APPROVAL***

Dan Olsen **moved** to table the discussion concerning the request to have the City snow plow the 2500 South dugway as Jim Richards was not in attendance. Robert Hall **seconded** the motion. The motion passed with all voting aye.

## ***REQUEST TO HAVE CITY SNOW PLOW 2500 SOUTH DUGWAY***

Mayor Baker submitted a travel request to attend a Utah Water Laws and Regulations seminar in Salt Lake City, which was approved at a previous meeting. Mayor Baker requested additional funds to stay another night. The travel budget for the Mayor and Council did not have enough funds for the additional night stay. The additional cost was \$129.49. Councilman Hall asked if this was a budget shortage. Mayor Baker said they needed to approve the additional amount and then when they reopen the budget they will need to find funds to cover this amount. Gordon Kitchen **moved** to approve \$129.49 in addition to what was approved at the last meeting. Robert Hall **seconded** the motion. The motion passed with a roll call vote as follows:

## ***REQUEST ADDITIONAL FUNDS TO TRAVEL***

|                  |     |
|------------------|-----|
| Robert Hall      | Aye |
| Dan Olsen        | Aye |
| Dennis Long      | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen   | Aye |

Chief Watkins presented two travel requests for approval.

## ***TRAVEL AND TRAINING***

The first request was to send Lieutenant Cox to the FBI command college in Montana with a requested amount of \$1,000. The second request was for him to attend the Chief's conference in St. George for a total requested amount of \$496.00. Councilman Kitchen asked the Chief what advantage there was for Lieutenant Cox to attend the FBI college. Chief Watkins said this training was specifically targeted to small departments and was good administrative training. Councilman Kitchen said he wasn't opposed to the training he just wanted to understand what advantage this training would be to the City. Chief Watkins said he is trying to familiarize Lieutenant Cox with the responsibilities of a Chief in case anything ever happened to him or if he weren't able to be here. Chief Watkins said he wants him to be qualified to act in that position if the need arose. Chief Watkins explained the things Lieutenant Cox will learn and how that knowledge could reduce the liability to the City in different situations. Mayor Baker said the total for both travel requests would be \$1,546.06. Kenneth Reynolds **moved** to approve \$1,550 for Chief Watkins and Lieutenant Cox. Dennis Long **seconded** the motion. The motion passed with a roll call vote as follows:

|                  |     |
|------------------|-----|
| Robert Hall      | Aye |
| Dan Olsen        | Aye |
| Dennis Long      | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen   | Aye |

Craig Blunt presented a travel request in the amount of \$30 to attend the Joint Hwy Committee meeting in Orem to present the City's street lighting project. Dennis Long **moved** to approve the request. Dan Olsen **seconded** the motion. The motion passed with the following vote:

|                  |     |
|------------------|-----|
| Robert Hall      | Aye |
| Dan Olsen        | Aye |
| Dennis Long      | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen   | Aye |

Councilman Kitchen said as he spoke with Dennis Judd about why the Planning Commission bylaws are in the Land Use Ordinance which requires a public hearing to make any changes. Councilman Kitchen reported that Mr. Judd told him it didn't have to be in the Land Use Ordinance, that it could stand on it's own as an Ordinance. Councilman Kitchen

## ***REQUEST FOR POLICE DEPARTMENT***

## ***TRAVEL REQUEST FROM CITY MANAGER***

## ***REVIEW AND DISCUSS REVISIONS TO CHAPTER 02-36, PLANNING COMMISSION BYLAWS, OF THE LAND USE ORDINANCE***

recommended they move it out of the Land Use Ordinance. Councilman Kitchen said he felt the bylaws were administrative and should be adopted as an Ordinance by the City. Councilman Olsen asked Chris Hoem why the Planning Commission bylaws were part of the Land Use Ordinance. Chris stated it was because a few years ago it was recommended by Mr. Judd to put them there. Councilman Olsen wanted to move that this item be brought back to the next meeting as an Ordinance. Chris Hoem said it would still need a public hearing by the Planning Commission to remove it from the Land Use Ordinance and they weren't meeting until the 19<sup>th</sup> of March. Councilman Kitchen said he still had a couple of things he wanted to address with the bylaws. Councilman Reynolds wanted the Planning Commission to have time to review any changes recommended by the Council. Councilman Kitchen said they need to address the annual appointment of Planning Commission members. He said he visited with Vernal City and Uintah County about their procedures. He said both of them have time limits, as does the Recreation District Board. Councilman Kitchen said Uintah County has three year terms with a maximum of three terms. The Recreation District has terms of four years with a maximum of two terms, excluding elected officials. He said Vernal City has four year terms and they haven't worried about setting a limit because they have such a big turn over. Councilman Kitchen said he would recommend a four-year term with a twelve-year maximum. Councilman Reynolds wanted to know how they would phase that in with those currently on the Board. Councilman Kitchen said they would have to work that out. Mayor Baker wanted to know what the purpose of terms would be, he wanted to know what that would gain. Councilman Kitchen said they would get away from the annual appointments and would just need to do the appointments every four years. Dale Harrison said he likes the idea of four year terms. Chris Hoem wanted to know if the Council wanted to include the idea that anyone, after serving their four terms, could come back as an alternate. Council members Kitchen, Long and Olsen all said it should be included. Mayor Baker said he didn't know if it needed to be included. Mayor Baker wanted to know if the twelve year maximum limit would apply to those serving as alternates. Councilman Hall said you would need to separate those as terms and full members. Dale Harrison said if the rotation works you might be moving more than one alternate member up at a time as others decide they are finished serving. Councilman Olsen said you would be moving the alternates up into a "term" position and they would fill the rest of that

term. Craig Blunt said he should be able to go back to the original bylaws that were written almost exactly like this. Councilman Kitchen said he would also like to see the appointed/elected official, that sits on the Board, be allowed to vote if there is not a full quorum. Councilman Kitchen pointed out the section in the bylaws that refers to an appointed secretary and wondered if one was needed. He wondered if they could elect one or if they needed to bring in someone from the staff. Chris said he covers the duties of the secretary right now. Councilman Kitchen said they would need to make changes to the bylaws to reflect what is currently happening. Dale Harrison said it would be nice to have someone to keep track of the attendance and different things like that. Councilman Kitchen also noted the bylaws list the annual meeting schedule for the Commission which hasn't been updated since they changed to one meeting a month. Councilman Kitchen said they also need to include or update the payment for attendance to the Planning meetings because it is not in the bylaws. Mayor Baker pointed out a couple of small changes that need to be made with some of the wording. The recommendation was to send this back to the Planning Commission with the changes discussed and to allow the Planning Commission time to discuss it, make their changes, and to bring their draft back to the Council. Councilman Kitchen wondered what happens if the Planning Commission repeals the bylaw section of the Land Use Ordinance and nothing is ready for the Council to consider for adoption. Chris Hoem said the Planning Commission will hold a public hearing on March 19, 2013 to discuss removing the bylaws chapter from the Land Use Ordinance and at that time will prepare the first draft of the bylaws to be brought back to the City Council. No action was taken on this matter.

Craig Blunt asked Mayor Baker if the Council could move the discussion about the rules of order and procedure to the next item on the agenda and move forward the discussion for Phase II of Pheasant Run Subdivision. Dan Olsen **moved** to table item ten and go to item eleven. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

Rob Heywood with the Ritchie Group, managers of Pheasant Run Subdivision, came before the Council to give an update on the material that was presented at a public hearing held by the Planning & Zoning Commission. Mr. Heywood presented the ideas they have for moving forward with phase II of Pheasant Run Subdivision. Mr. Heywood said

***DISCUSSION TO SET  
RULES OF ORDER AND  
PROCEDURES AND  
MOTION TO ADOPT  
RULES OF ORDER AND  
PROCEDURES -  
ORDINANCE 13-152***

***UPDATE ON PUBLIC  
HEARING FOR PHASE II  
OF PHEASANT RUN  
SUBDIVISION***

they presented a rezone request at the public hearing of the undeveloped land in the subdivision. Their request was to rezone the land from RA-1 to R-3. He said the feedback they received from the Commission was the area was a little too dense for an R-3 zone but could possibly be an R-2 zone. Mr. Heywood showed the revised drawing to make part of the subdivision an R-2 zone and part an R-3. Mr. Heywood said when they first sought approval in 2006 all of the residential building lots were the same size, there was no distinction from RA-1 or R-1. He showed a picture of the concept they first proposed showing the development of phase I. Mr. Heywood said development slowed way down in 2008 and they weren't able to sell much. He reported things started to move again in 2011 and they decided they wanted to develop the rest of the subdivision. Mr. Heywood said they have been able to get rid of the bank debt they had and adjusted the prices of the homes in order to sell and now they have demand for houses. Mr. Heywood said the demand is for finished lots and there is no one willing to lend money to a developer to develop lots unless they can arrange for private funding. Mr. Heywood said they have someone willing to partner with them and provide the cash to build the infrastructure. Mr. Heywood said the problem they have is their initial concept is obsolete and the City has changed the zoning ordinances, resizing the lots to make the RA-1 consist of 20,000 square foot lots and the R-1 is a 12,000 foot lot minimum. Mr. Heywood also noted the City has created R-2 and R-3 zones and said he thinks it is good for the City to have those zones in order to create the needed density down by the commercial corridor the City has planned. Mr. Heywood said he spoke with a local realtor about the need for a grocery store in this area but in order to attract a business like that you need the additional rooftops. Mr. Heywood said they would like to apply the R-3 zone to their subdivision and thinks it would help to attract commercial/retail businesses. Mr. Heywood showed pictures of some fourplexes and triplexes and noted how they could be made to look like "big houses." Mr. Heywood said he would like to see the Commission consider an R-2 zone next to the existing homes and the R-3 toward the bottom. Mr. Heywood said there were many neighbors opposed to the high density proposal. He thinks the City has a need and it could be tastefully done. Mr. Heywood said the Planning Commission did not move on the matter in the Planning meeting because the concept that was noticed to the surrounding residents was strictly an R-3 zone. Dale Harrison said the mailing that went out to residents presented the

concept of re-zoning the entire phase II as an R-3 zone. Mr. Harrison didn't think enough notice was given to nearby residents to call for a vote in regards to an R-2 and R-3 zone. Mr. Harrison did say they denied a total R-3 rezone. Mr. Harrison said his biggest concern was there is only one road going into and coming out of the subdivision. He didn't feel they could consider the higher density until that issue is resolved. Councilman Olsen wanted to know if the Planning Commission had addressed the issue of snow removal in a high density area and where to move the snow in the winter. Mr. Harrison said they have addressed the issue and it is a concern. He said that is where the open space requirement comes into play. Mayor Baker wanted to know what the next step in this process is going to be. Mr. Heywood said he hopes to be able to discuss the matter with some of the Planning Commission members and get them to consider a change in zones to an R-2. Councilman Kitchen wanted to know what their plans would be if no changes were allowed to the current zone. Mr. Heywood said it would be crippling. He said they would like to at least have what was originally presented which was an R-2 zone. Councilman Hall said he has a lot of reservations even with the R-2. Councilman Kitchen said he has also heard from a number of people not wanting the higher density housing. No action was taken on this matter. The matter will continue through the Planning and Zoning process.

Gordon Kitchen **moved** to go back to item ten. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Craig Blunt presented a set of rules and procedures to the Council based on their recommendation of using South Weber City's procedures as a template. Craig Blunt said he has not heard back from the City Attorney concerning this draft. Mayor Baker said he didn't have any problem with it. He said he only noticed a couple of little things that needed corrected. Mayor Baker noted one correction to the first paragraph, he pointed out where the word 'or' needed to be added between Utah State and Naples City. Mayor Baker said he would also like to see them leave, under order of business, the call for a prayer and not the phrase "moment of reflection." Mayor Baker said he has always called upon the Council for this and it puts the responsibility on them but he would like to leave it. Councilman Reynolds had one item on page four, item 2(b). Councilman Reynolds wanted clarification to know if this meant that the only way a Council

***DISCUSSION TO SET  
RULES OF ORDER AND  
PROCEDURES AND  
MOTION TO ADOPT  
RULES OF ORDER AND  
PROCEDURES -  
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member could put something on the agenda was if it was agreed to at a previous Council meeting. Mayor Baker commented that it says "discretion of the Mayor" in order for him to determine if a matter can be handled without coming before the Council. Councilman Reynolds said there is no way for the Council to know if the Mayor has kept something from being placed on the agenda that they might need to know about. Councilman Reynolds said he would like to be notified if something is taken off the agenda. Mayor Baker said he didn't have a problem with putting something in that states if the Mayor takes something off the agenda the rest of the Council is notified by whatever means necessary. Craig Blunt pointed out the addition of and guidelines for an electronic meeting. Councilman Kitchen questioned the item to allow for public comment as part of the order of business. Craig said he took that out and placed a corrected copy before them on the table. Councilman Kitchen wanted to know if they wanted to be so specific on the procedures for a public hearing. Mayor Baker said he didn't see anything wrong with leaving it in there in case the need ever arises. Councilman Olsen asked if they could clarify number 1 under Rule III on page five. He asked that it be clarified the Mayor can change the order of the items discussed but not remove an item to be discussed. Councilman Kitchen wanted to know if item two under Rule IV on page nine could be changed to allow for the Council members to receive their annual Open and Public Meetings training at a Special Service District training and not always at a City Council meeting. With no other changes recommended, Dennis Long **moved** to accept this as the first reading and bring it back with the changes discussed. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

|                  |     |
|------------------|-----|
| Gordon Kitchen   | Aye |
| Kenneth Reynolds | Aye |
| Dennis Long      | Aye |
| Dan Olsen        | Aye |
| Robert Hall      | Aye |

Dennis Long **moved** to go back to a discussion about snow removal on the 2500 South dugway. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye. The discussion was revisited because Jim Harper said he had information about the matter even though Jim Richards was still not in attendance at the meeting. Mr. Harper said Jim Richards has contacted him about plowing snow on the dugway on 2500 South. Jim said Mr. Richards uses the road

***SNOW PLOW 2500 SOUTH  
DUGWAY DISCUSSION***



at times during the winter and there are three or four dwellings down below. Councilman Hall wanted to know if it was a City road. Jim said the dugway is. The Mayor said it is a City road to the base of the hill. Councilman Olsen wanted to know how the snow plow gets turned around if they do go down there. Craig Blunt said you have to go all the way down to the end of the road. Mayor Baker said he told Jim to let the County do it. Councilman Long wanted to know if Jim Richards could approach the County about doing that section of the road. Councilman Olsen asked if they have trade offs with the County. Craig said they do. Councilman Hall wanted to know if they are official or if they are gentlemen's agreements. Craig said they are gentlemen agreements and he made them again with the new road boss for the County. Craig said the County takes care of 2500 E on the west side. Craig said the City does all of 500 East from 1500 South and also 500 South. Councilman Olsen said it would be very hard to do the dugway without a turn around. Ryan Cook said it is possible to do it with a pickup outfitted with a snowplow. The consensus was to have Jim meet with the County and ask if they would do it. No action was taken on this matter.

Jim Harper came before the Council to request approval to purchase a new pickup for the road department. Jim said the new truck would be replacing a 2001 with 70,000 miles. Jim said they have been having trouble with the transmission in the 2001. Jim gave them a price quote for the pickup with the extra equipment requested. Councilman Kitchen questioned if the road department had any type of plan to rotate their vehicles in and out. He wanted to know if they had any type of capital plan for that. Mayor Baker said they have always based their decision to buy new vehicles on the availability of funds and the wear and tear on the vehicle. Dennis Long **moved** to accept the \$36,166.30 for the truck and equipment. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

|                  |     |
|------------------|-----|
| Gordon Kitchen   | Aye |
| Kenneth Reynolds | Aye |
| Dennis Long      | Aye |
| Dan Olsen        | Aye |
| Robert Hall      | Aye |

Jim Harper asked for Council approval to purchase approximately 68,000 lbs. of road salt. Jim said the requested amount was \$4,000. Councilman Long wanted to know how much this would cover them for next year. Jim

***REQUEST TO PURCHASE -  
ROAD DEPARTMENT***

said he hoped it would get them through half of next year. Robert Hall **moved** to approve the request. Kenneth Reynolds **seconded** the motion. The motion passed as follows:

|                  |     |
|------------------|-----|
| Gordon Kitchen   | Aye |
| Kenneth Reynolds | Aye |
| Dennis Long      | Aye |
| Dan Olsen        | Aye |
| Robert Hall      | Aye |

Jim Harper also asked the Council for approval to purchase two new light bars. These would be installed on the new pickup and the truck Jim drives. Jim said they have compared the new light bars with the ones currently installed on the trucks and there is a major difference. He said the newer ones are much brighter. Councilman Reynolds wanted to know what they would do with the old ones. Jim said they will be putting them on the emergency trailer. Dennis Long **moved** to approve the purchase for the amount of \$1,700. Kenneth Reynolds **seconded** the motion. The motion passed with a roll call vote:

|                  |     |
|------------------|-----|
| Gordon Kitchen   | Aye |
| Kenneth Reynolds | Aye |
| Dennis Long      | Aye |
| Dan Olsen        | Aye |
| Robert Hall      | Aye |

Councilman Olsen reported that Bishop Homes purchased all the undeveloped lots in Parkview subdivision. Councilman Olsen stated he met with Dewayne Murphy, superintendent for Bishop Homes, and discussed the lots with the water lines, particularly the irrigation water line. Councilman Olsen said they will need to watch lot fourteen when it is developed to make sure there is a contained drain in order to allow that water line to be drained. Councilman Olsen said they are starting to sell lots already so they need to make sure someone monitors this. Councilman Olsen wanted to make sure the drain for the line is protected and work with the construction company as they develop that particular lot.

Councilman Olsen also asked Craig if the easement the City purchased from Kenny Lind was recorded because he was informed by Mr. Murphy that the developer was interested in contacting Mr. Lind about selling them some of his property. Craig said he would check into it and make sure it has been.

Mayor Baker wanted to know if City wanted to take on the

***OTHER MATTERS -  
FUTURE COUNCIL  
MATTERS***

responsibility of marking the irrigation lines. Craig said that would be taking on a lot of liability for the City. Mayor asked Craig if he would find out what that liability would be. Councilman Hall wanted to know if there was anything in State Code that provides for the protection of the irrigation line. Councilman Kitchen said when the irrigation lines are put in they are put in farmers' fields and then sold for residential development and it's not always communicated.

With no other business before the Council, Kenneth Reynolds **moved** to adjourn the meeting at 9:30 p.m. Dennis Long seconded the motion. The meeting was adjourned.

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 14<sup>th</sup> DAY OF MARCH 2013

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_